

TOWN OF WESTFIELD

COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD-WASHINGTON TOWNSHIP
 ADVISORY PLAN COMMISSION
 BOARD OF ZONING APPEALS
 ZONING ENFORCEMENT
 BUILDING PERMITS

Meeting Date:	June 18, 2007
Docket Number:	0706-SE-01
Appellant:	Cindy Tripp
Property Address:	19540 Lamong Road
Special Exception Request:	<i>WC 16.04.180, Figure 2</i> Kennel in AG-SF1

EXHIBITS

- | | |
|--|------------|
| 1. Staff Report | 06/18/2007 |
| 2. Aerial Location Map, Zoning Map & Existing Land Use Map | 06/18/2007 |
| 3. Property Card | 06/07/2007 |
| 4. Appellant's Application and Plans | 05/09/2007 |

RELATED CASES

- | | |
|-------------|---|
| 0706-VS-014 | Accessory structure not subordinate to principal – variance request |
| 0706-VS-015 | Fence height – variance request |

SPECIAL EXCEPTION REQUEST

This special exception request is to allow a kennel in the AG-SF1 District (*WC 16.04.180, Figure 2*). The kennel facility would encompass an existing accessory structure that would be expanded to accommodate the needs of the kennel.

PROPERTY INFORMATION

The subject property is currently approximately 11.68 acres in size (see Exhibit 3). The subject property is located on the west side of Lamong Road and is approximately 1,000 feet north of 193rd Street. The subject property is zoned AG-SF1. Currently, the property is being used as a single-family residence (see Exhibit 2).

The subject property is bounded on the north, south, east and west by agricultural uses. Adjacent properties to the northeast and southeast are residential in nature. Property on all sides is also zoned AG-SF1. The subject property does not fall within any of the Town's overlay districts.

PROPERTY HISTORY

There are no previous variances, special exceptions, development plans, subdivision plats, or rezoning cases on record for the subject property.

ANALYSIS

Kennels are permitted uses in the AG-SF1 District by special exception. By listing the proposed use as a special exception in the list of permitted uses, the Town has contemplated the use as appropriate in the AG-SF1 District in certain situations. Westfield has established a list of criteria that all special exception requests must be checked against. Westfield's criteria for special exceptions can be found below in the 'Findings' section of this report.

The submitted plans indicate that the kennel would be located west of the existing residence. Access to the property would not be modified from the existing configuration. The kennel would occupy an existing accessory structure; building additions are planned for the structure to accommodate the needs of the kennel. The submitted plans indicate that the existing structure would be used for office/lobby space, part of the building expansion would be used for a grooming area, and the rest of the building expansion would be used as the kenneling area. The proposed building additions would extend west into an existing wooded area. According to the submitted plans, a substantial amount of wooded area would surround the proposed expansion on the northern, western, and southern sides of the facility. The submitted plans also depict a fenced yard around the kennel facility. Including the proposed building expansion, the structure for the kennel would be approximately 3,626 square feet in size. The subject property is surrounded by agricultural uses; the nearest residential structure is approximately 565 feet from the proposed kennel facility.

Development plans for the kennel expansion would be required to meet all applicable standards and would require approval from the Advisory Plan Commission.

The Westfield-Washington Township Comprehensive Plan recommends that this area remain rural in character and use. It is identified as part of the "Rural Northwest and Northeast" component of the future land use plan.

FINDINGS

No special exception shall be granted unless the BZA finds all of the following to be true:

- a. The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, or general welfare:**

Findings: It is unlikely that the establishment, maintenance, or operation of the requested special exception would be detrimental to or endanger the public health, safety, or general welfare of the community. The proposed kennel would be fully accessible for emergency purposes. Additionally, all activities related to the kennel would occur in an enclosed area (by either a permanent structure or a fence), therefore all animals would be physically separated from neighboring properties and the general public.

- b. The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property value within the neighborhood:**

Findings: It is unlikely that the submitted proposal for the requested special exception would be injurious to the use and enjoyment of other permitted uses in the immediate vicinity. It is also unlikely that the submitted proposal for the requested special exception would substantially diminish or impair property values within the neighborhood. The proposed kennel facility would be buffered by a wooded area on the northern, western, and southern sides of the facility. The subject property is surrounded by agricultural uses. The nearest residential structure is approximately 565 feet from the proposed kennel facility. It is unlikely that visual or audible impacts of a kennel would negatively affect neighboring properties.

- c. The establishment of the special exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district:**

Findings: It is unlikely that the establishment of the requested special exception would impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. The proposed kennel would be buffered from neighboring properties by the existing wooded area. Visual, audible, and physical impacts to adjacent properties as a result of a kennel on the subject property would be mitigated by buffers of distance and vegetation.

- d. Adequate utilities, streets, drainage, and other necessary facilities have been or are being provided:**

Findings: Development plans for the proposed kennel expansion project would be required to meet all applicable standards and would require approval from the Advisory Plan Commission (APC). As a component of the development plan review process, the proposed project would have to be reviewed by the Technical Advisory Committee (TAC). The TAC agencies would have to be satisfied with the proposed utilities, streets, drainage, and other necessary facilities prior to the project moving to the APC for approval.

- e. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion:**

Findings: Development plans for the proposed kennel expansion project would be required to meet all applicable standards and would require approval from the Advisory Plan Commission (APC). As a component of the development plan review process, the proposed project would have to be reviewed by the Technical Advisory Committee (TAC). The TAC agencies would have to be satisfied with the proposed ingress and egress prior to the project moving to the APC for approval.

- f. The special exception will be located in a district where such use is permitted and that all other requirements set forth, applicable to such special exception, will be met:**

Findings: Kennels are permitted uses in the AG-SF1 District by special exception. Development plans for the kennel expansion would be required to meet all applicable standards and would require approval from the Advisory Plan Commission.

RECOMMENDED CONDITIONS

Should the Board approve this special exception request, the following conditions would be appropriate:

1. Unless otherwise required by the Technical Advisory Committee, the subject property shall be limited to a single access drive off of Lamong Road;
2. That signage for the kennel shall comply with the standards for home occupation signage under WC 16.08.010, F;
3. That, except for the area that is to be cleared for the building expansion of the kennel, the existing wooded area shall be maintained and shall not be removed. If any of the existing wooded area is removed or dies, then it shall be replaced with:
 - a. Shrubs of similar type and size
 - b. Trees of similar type, and shall comply with the replacement requirements established in WC 16.06.020, E; and,
4. That all conditions associated with variance requests 0706-VS-014 and 0706-VS-015 are binding on the subject property.



0706-SE-01, 0706-VS-014, 0706-VS-015
08-05-29-00-00-010-000
19540 Lamong Rd
Exhibit 2



Community Development Department

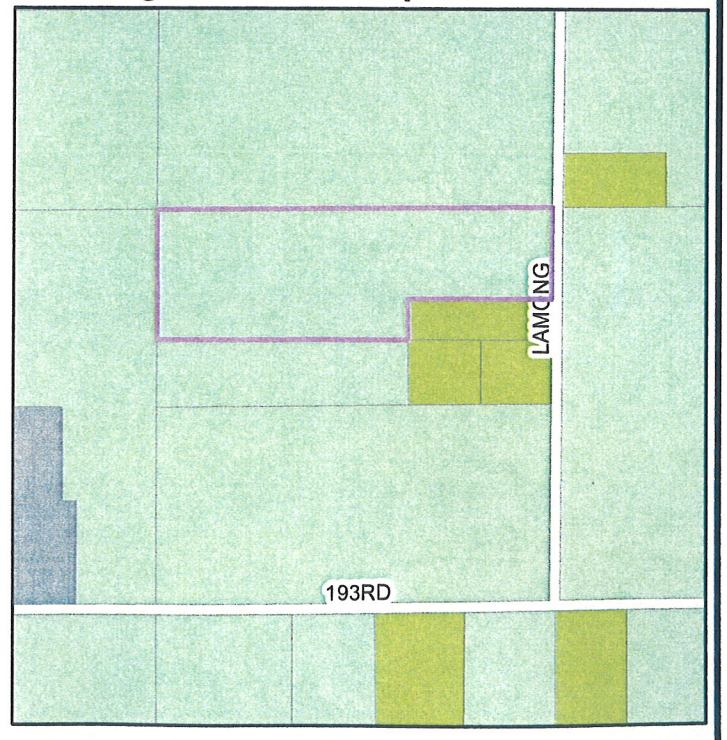
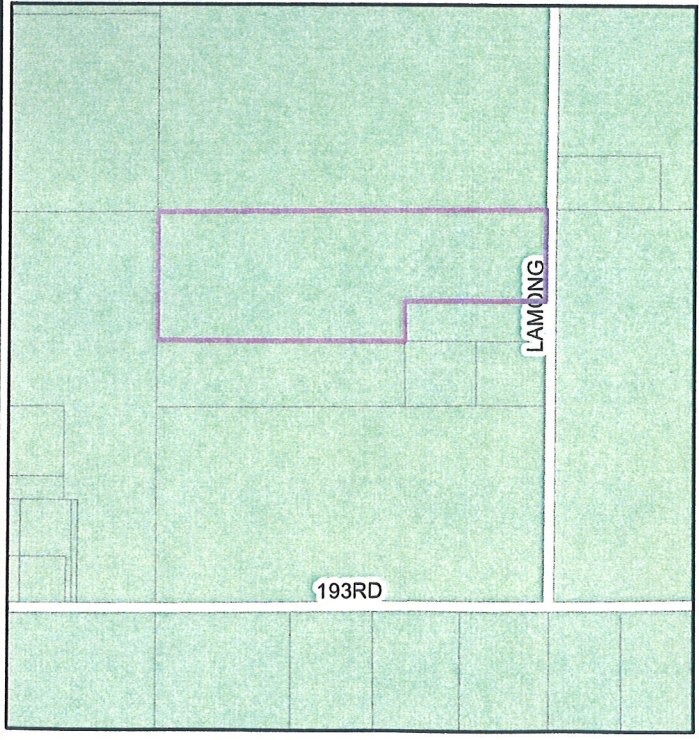
Aerial Location Map

Site



Zoning Map

Existing Land Use Map



Agriculture Single Family 1

Agriculture
Residential Non-urban
Industrial

EXHIBIT 3**co.HAMILTON.in.us**

Official government site of Hamilton County, Indiana

Online Se

Property Card Report**1. report type**

Reset

2. property search

new search

3. view reports

general parcel info.

spring tax statement

tax payments

property card

fall tax statement

Disclaimer:

This program allows you to view and print certain public records. **Each report reflects information as of a specific date;** so the information different reports may not match. All information has been derived from public records that are constantly undergoing change and is not warranted for accuracy. It may not reflect the current information pertaining to the property of interest.

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Any, and all information contained on this web site report is the result of assessment data extracted on the most recent taxable year - **March 1, 2006**. Improvement characteristics may differ from those used to determine the total assessed value listed.

Summary Information - Parcel Number: 08-05-29-00-00-010.000**Property Data**

Parcel Location	19540 LAMONG ROAD, SHERIDAN
Taxing Unit	Washington
Legal Description	244-196 AUD 10/20/80 FR RASOR 323-110
Section/Township/Range	S29 T19 R03
Subdivision Name	NULL
Lot and Block	Lot Block
Acres	11.68
Effective Frontage	
Effective Depth	
Property Class	Cash Grain/General Farm

Exterior Features and Out Buildings

1 Mobile Home, 1 Miscellaneous, 1 Pool, 2 Barn,
2 Masonry Stoop, 1 Roof Extension Canopy, 2 Wood Deck,

Property Owner as of April 29, 2006

Cynthia Tripp

Most Recent Valuation as of March 1, 2005

Assessed Value: Land	39200
Assessed Value: Improvements	75900
Total Assessed Value:	115100

Building 1, Card ID R01**Physical Characteristics**

Story Height	1.0
Attic	none
Basement	none
Crawl	none
Year Built	1997

Floor Construction**Floor Finish****Exterior Cover****Interior Finish****Accommodations**

Finished Rooms	5
Bedrooms	3

Heating and Air Conditioning

Primary Heat	YES
Air Conditioning	YES

Plumbing

Full Baths	2
Partial Baths	0

Fireplace

Fireplace Stacks	NO
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Basement Rec Room

Rec Room Type	
Rec Room Square Footage	0

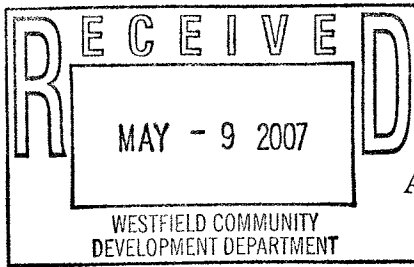
Area/Square Footage (based on exterior eave to eave area)

Building Level	Base Area	Approx. Area
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Garage

Garage Type

TOWN OF WESTFIELD, INDIANA



Petition Number:

Date of Filing:

6706-SE-01
05/09/07

Application for SPECIAL EXCEPTION Westfield – Washington Township Board of Zoning Appeals (BZA)

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

1. Appellant's Name Cindy Tripp
Address 19540 Lamong Road
Sheridan, IN 46069
Telephone Number (317) 896-3846
E-Mail Address: CAT3846@Verizon.net
2. Landowner's Name SAME AS ABOVE
Address _____
Telephone Number _____
3. *Representative SAME AS ABOVE
*Address _____
*Telephone Number _____
*EMAIL Address _____

*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.

4. Common description of property (address, location, etc.)
19540 Lamong Road, Sheridan, IN 46069
Plot # 08-05-29-00-00-010.000
5. Legal description of property (list below or attach)
Please see attached
6. Complete description of the nature of the special exception applied for:
WC16.04.180 Figure 2. Use of Kennel in
AGSFI

7. **ALL SITE PLANS SHALL BE LEGIBLE AND DRAWN TO SCALE.** Site plans must accompany this application and must depict at a minimum:
- Lot(s) shape and dimensions;
 - Location and dimensions of existing and proposed structures;
 - Location and dimensions of existing and proposed points of ingress and egress; and
 - All topographic and natural features and/or other unusual characteristics associated with the property.
8. The Applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

No special exception shall be granted unless the BZA finds all of the following to be true:

- a. The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, or general welfare:

This dog Kennel will in no way endanger the
public health, safety, morals, general welfare
or be detrimental.

- b. The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property value within the neighborhood:

This dog Kennel will be behind existing building,
tucked inside of current wooded area. Neighbor
will not see it for the trees. Dirt mounds will
be added to with any possible sound issues,
which will not be a problem either.

- c. The establishment of the special exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district:

This dog Kennel will be surrounded by farm
land and livestock pastures and will not
impede the normal and orderly development
or improvement of surrounding properties.

TOWN OF WESTFIELD, INDIANA

- d. Adequate utilities, streets, drainage, and other necessary facilities have been or are being provided:

Proper streets + drainage are in place and
additional drainage + septic systems will be
added. Adequate utilities are in place.

- e. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion:

Traffic congestion is not an issue for this
dog kennel. This will not be a high traffic
establishment.

- f. The special exception will be located in a district where such use is permitted and that all other requirements set forth, applicable to such special exception, will be met:

This establishment is being requested in a
district that permits this special exception

The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.

Candy Singh
Applicant

SUBSCRIBED AND SWORN TO ME THIS 9th DAY OF May, 2007

Patricia J. Reidling
Notary Public

My commission expires: 3/13/08

Legal Description

Exhibit A

**In Re: Cynthia Tripp
19540 Lamong Road
Sheridan, Indiana, 46069**

A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST, IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST, THENCE SOUTH 89 DEGREES 22 MINUTES 33 SECONDS WEST OVER AND ALONG THE NORTH LINE OF SAID QUARTER QUARTER A DISTANCE OF 1331.11 FEET TO A POINT WHICH IS THE NORTHWEST CORNER OF SAID QUARTER QUARTER, THENCE SOUTH 00 DEGREES 39 MINUTES 45 SECONDS EAST ON AND ALONG THE WEST LINE OF SAID QUARTER QUARTER A DISTANCE OF 654.60 FEET TO A POINT WHICH IS 4.6 FEET NORTH OF AN EXISTING WIRE FENCE, THENCE NORTH 89 DEGREES 22 MINUTES 30 SECONDS EAST AND PARALLEL TO THE NORTH LINE OF SAID QUARTER QUARTER A DISTANCE OF 1330.68 FEET TO A POINT ON THE EAST LINE OF SAID QUARTER QUARTER WHICH IS 1.1 FEET SOUTH OF AN EXISTING WIRE FENCE, THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ON AND ALONG THE EAST LINE OF SAID QUARTER QUARTER A DISTANCE OF 654.60 FEET TO A POINT, SAID POINT BEING THE PLACE OF BEGINNING AND CONTAINING 20.00 ACRES

EXCEPT THE FOLLOWING

BEGINNING AT A POINT ON THE EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST, SAID POINT BEING SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST (ASSUMED BEARING) A DISTANCE OF 304.46 FEET FROM THE NORTHEAST CORNER OF SAID QUARTER QUARTER, THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS (ASSUMED BEARING) ON AND ALONG SAID EAST LINE A DISTANCE OF 132.00 FEET, THENCE SOUTH 89 DEGREES 22 MINUTES 30 SECONDS WEST AND PARALLEL TO THE NORTH LINE OF SAID QUARTER QUARTER A DISTANCE OF 495.00 FEET, THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST AND PARALLEL TO THE EAST LINE OF SAID QUARTER QUARTER A DISTANCE OF 132.00 FEET, THENCE NORTH 89 DEGREES 22 MINUTES 30 SECONDS EAST AND PARALLEL TO THE NORTH LINE OF SAID QUARTER QUARTER A DISTANCE OF 495.00 FEET TO A POINT, SAID POINT BEING THE PLACE OF BEGINNING AND CONTAINING 1.500 ACRES

ALSO EXCEPT:

PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING ON THE EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST 436.46 FEET SOUTH 00 DEGREES 00 MINUTES 00 SECONDS (ASSUMED BEARING) FROM THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 89 DEGREES 22 MINUTES 33 SECONDS WEST PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER 231.00 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 33 SECONDS PARALLEL WITH SAID EAST LINE 218.14 FEET; THENCE NORTH 89 DEGREES 22 MINUTES 33 SECONDS EAST PARALLEL WITH SAID NORTH LINE 231.00 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS ON SAID EAST LINE 218.14 FEET TO THE PLACE OF BEGINNING

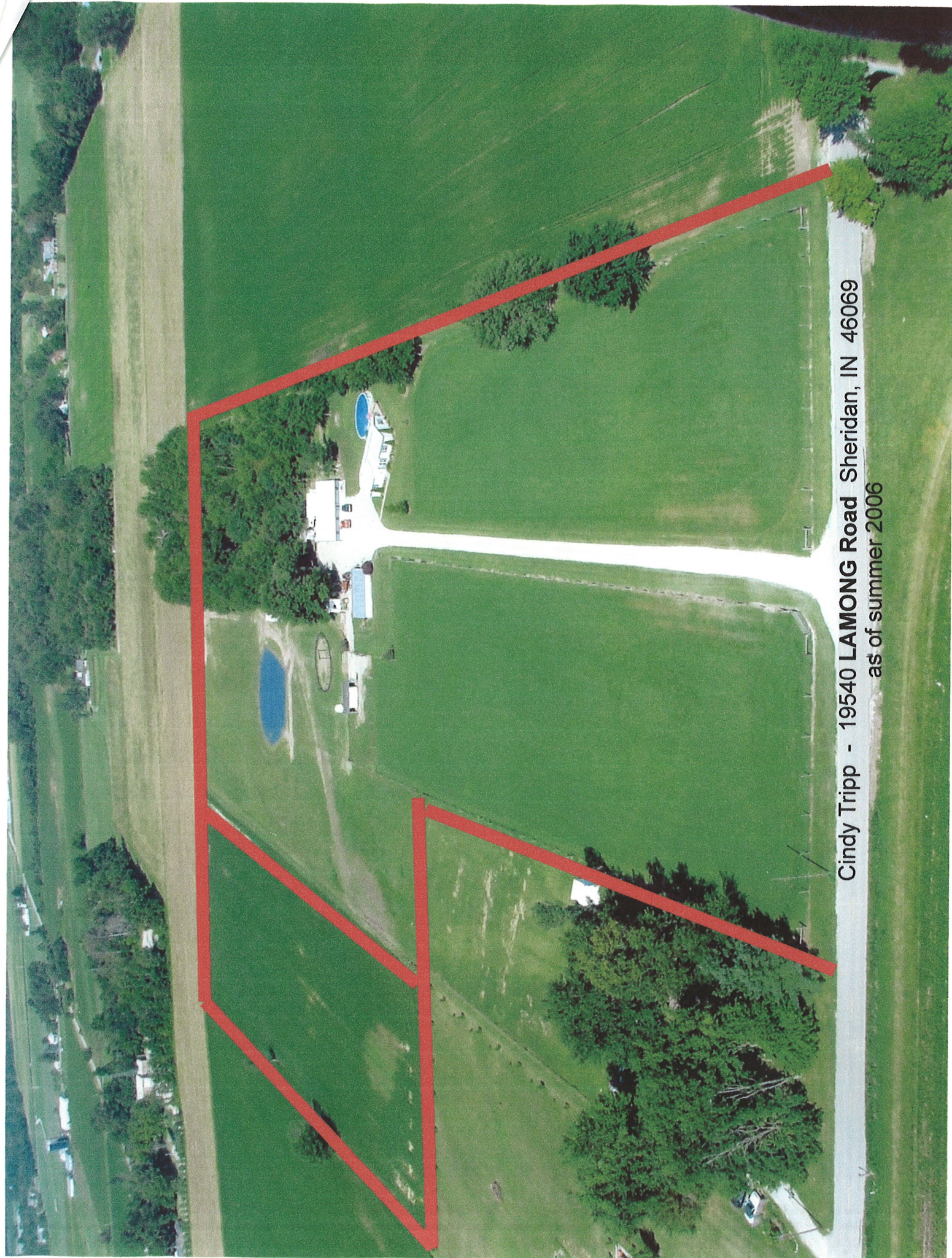
ALSO EXCEPT

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS (ASSUMED BEARING) 436.46 FEET ON AND ALONG THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 89 DEGREES 22 MINUTES 33 SECONDS WEST 231.00 FEET PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER TO THE NORTHWEST CORNER OF A 1.156 ACRE TRACT OF REAL ESTATE DESCRIBED IN DEED RECORD 338, PAGE 807 (THE NORTHWEST CORNER OF SAID 1.156 ACRE TRACT ALSO BEING THE POINT OF BEGINNING OF THIS DESCRIPTION); THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS 218.14 FEET PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER TO THE SOUTHWEST CORNER OF SAID 1.156 ACRE TRACT; THENCE SOUTH 89 DEGREES 22 MINUTES 33 SECONDS WEST 264.00 FEET PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS 218.14 FEET PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 22 MINUTES 33 SECONDS EAST 264.00 FEET TO THE POINT OF BEGINNING

ALSO EXCEPT

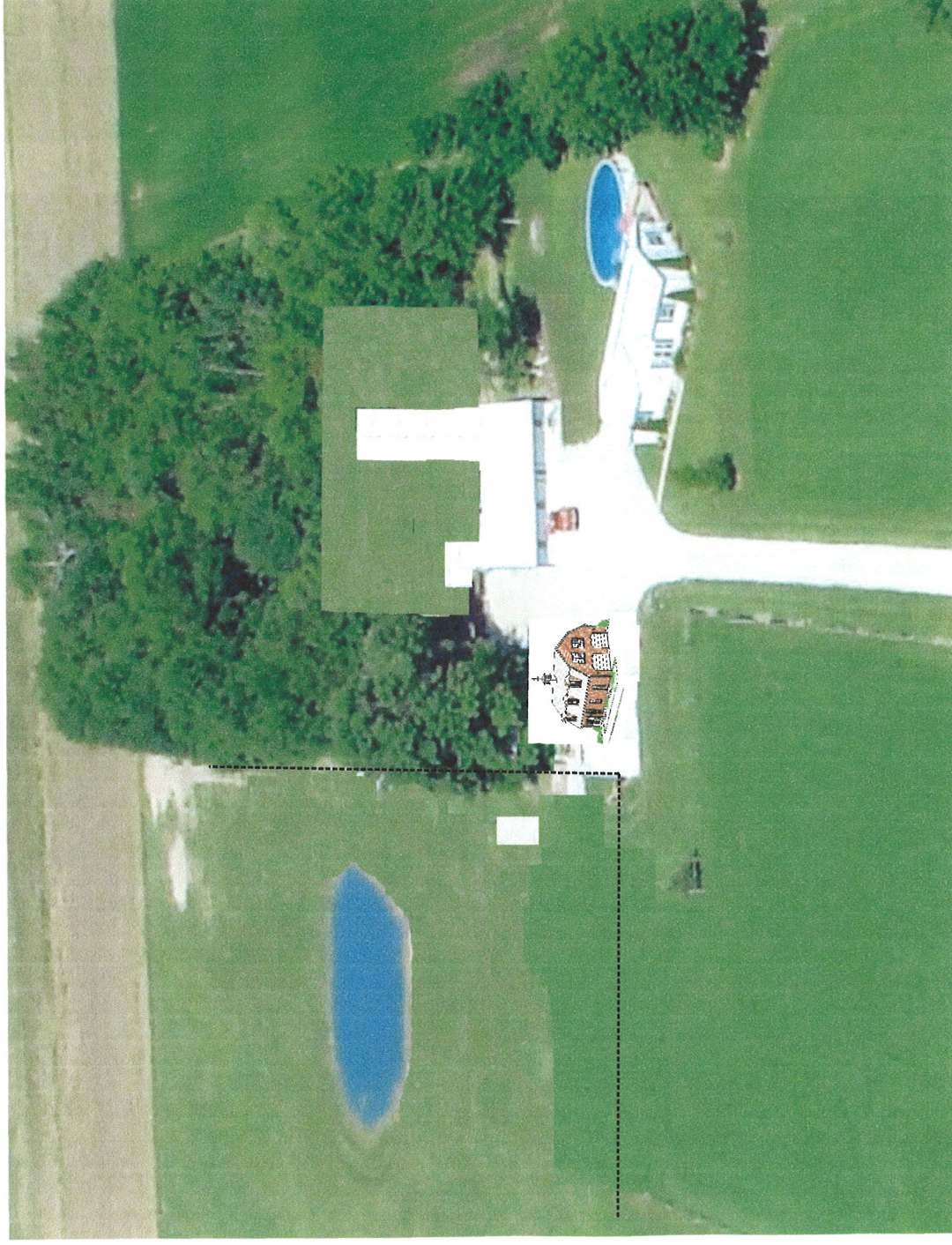
A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST, IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE 5/8" ROD AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS (ASSUMED BEARING) 654.60 FEET ON AND ALONG THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 89 DEGREES 19 MINUTES 59 SECONDS WEST 495.00 FEET PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER TO AN 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING AT THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 89 DEGREES 18 MINUTES 59 SECONDS WEST 829.46 FEET PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER TO AN 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 01 MINUTES 23 SECONDS WEST 238.66 FEET ON AND ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER TO AN 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; THENCE SOUTH 89 DEGREES 09 MINUTES 44 SECONDS EAST 829.59 FEET TO AN 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS 216.64 FEET TO THE POINT OF BEGINNING, CONTAINING 4.335 ACRES, MORE OR LESS



Cindy Tripp - 19540 LAMONG Road Sheridan, IN 46069
as of summer 2006

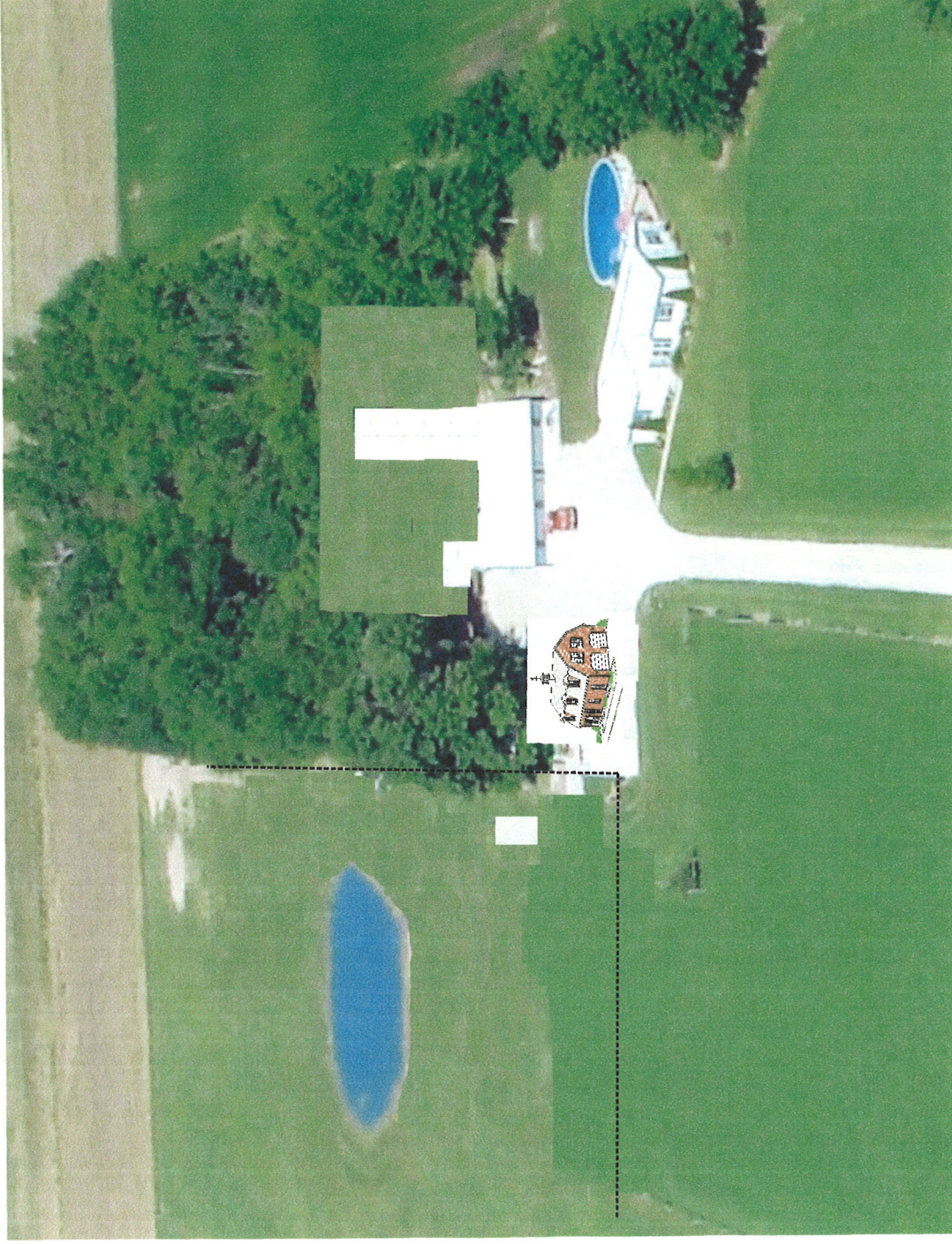
Cindy Tripp - 19540 Lamong Road, Sheridan (317) 710-1269



Would like to:

1. Tear down current garage/barn
2. Build a new garage/barn that is 30'x40'
3. Add on to current building;
 - A. Dog kennel building that is 14'x101'
 - B. Grooming building that is 20'x20'
 - C. With chain link fence surrounding it.
4. Move current 12'x14' - 2 stall horse barn back further and put new fence up.

Cindy Tripp - 19540 Lamong Road, Sheridan (317) 710-1269



Would like to:

1. Tear down current garage/barn
2. Build a new garage/barn that is 30'x40'
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